

December 4, 2019

Mr. Robert J. Brittain  
Frederick Ward Associates  
P.O. Box 727  
5 South Main Street  
Bel Air, MD 21014

RE: Franklin High School  
Forest Buffer Variance  
Tracking # 02-19-3101

Dear Mr. Brittain:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) was received by the Department of Environmental Protection and Sustainability (EPS) on November 20, 2019. The variance, requested in accordance with §33-3-106(a)(1) of this Law seek approval to continue to impact a total of approximately 2.2 acres of area that would be Forest Buffer as required by §33-3-111 of the Forest Buffer Law as well as directly impact 1,642 square feet (sf) of Forest Buffer in order to facilitate continuation of school athletic functions and improve campus accessibility and amenities.

This Department has reviewed your request and has determined that a practical difficulty in fully meeting the law exists given that the school predates the Forest Buffer Law, and the stream was historically piped under the track and athletic fields. Moreover, an unreasonable hardship would result, were the law fully enforced, forcing the abandonment of the track, athletic fields and associated uses in the buffer. Consequently, the only alternative to these impacts is the “no-build” option, which would not address the school’s needs for better handicap accessibility and support of athletic facilities. Furthermore, we find that revegetating all temporarily disturbed buffer area, posting protective signage along the remaining functioning buffer to be left undisturbed, and providing offsite buffer planting would adequately minimize the potential for impacts to water quality and aquatic resources as a result of this proposal.

Therefore, we will grant this variance in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. 1.1 acres of forest buffer mitigation credit shall be purchased from an EPS-approved forest buffer mitigation bank to address the 2.2 acres of lost forest buffer onsite. A letter authorizing this purchase is enclosed for your use.

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2. Surveyed limits of the Forest Buffer shall be permanently posted at 100-foot intervals or at any of its corners with "Forest Buffer-Do Not Disturb" signs to facilitate identification of easement limits. The signs must be installed in accordance with the EPS-approved Forest Buffer Protection Plan (FBPP) prior to June 4, 2020.
3. The following note must appear on all plans and plats submitted for this project:  
"A variance was granted on December 4, 2019 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. Conditions were placed on this variance to reduce water quality impacts including offsite buffer mitigation and posting of the remaining Forest Buffer areas with protective signage."
4. A FBPP reflecting the conditions of this variance must be submitted to EPS staff and approved prior to grading and sediment control plan approval. This FBPP may be combined with the final forest conservation plan for the school as was provided with the current variance application package.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this approval sign the statement on the following page and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Director

DVL:ges

Enclosure

c. (w/encl.) Mr. Merrill Plait, Board of Education

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I/we agree to the above conditions to bring my/our property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

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BCPS Representative

Date

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Printed Name